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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,107	06/25/2003	Chunseng Guo	871.0111.U1(US)	3629
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EXAMINER				
AL AUBAIDI, RASHA S				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
05/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,107

Applicant(s)

GUO ET AL

Examiner

RASHA S. AL AUBAIDI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/26/2009 has been entered.

Response to Amendment

2. This in response to amendment filed 02/26/2009. Claims 39-60 have been added. Claims 1-9, 11-21 and 23-38 have been canceled. No claims have been amended. Claims 39-60 are still pending in this application.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

It is noted that Applicant submitted two claims that numbered 45. Misnumbered claim need to be corrected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39, 44, 47, 53-54 ,57 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Tatchell et al. (US PAT # 6,160,877).

Regarding claims 39, 47 and 54, Tatchell teaches

receiving an in coming call from a calling telephone directed to a mobile handset (see col. 9, lines 29-31);

determining an active profile from among a plurality of profiles based at least in part on a network determined cell location of the mobile handset (see fig. 8c and col. 20 lines 21 – 34, col. 4 lines 22 – 26, col. 7 lines 1 – 9, col. 9 line 64 – col. 10 line 5.

Tatchell teaches locations are applied and modified based on location. For example, if the user has moved from his house to his office, the system of Tatchell modifies/changes the profile from “home” to “office”. Thus, the “office” profile is applied instead of the “home” profile. The claimed feature of “wherein the user-specified profile is selected and set up by the user” is already taught by Tatchell, see col. 9, lines 60-63),

wherein a profile comprises at least one filter (i.e., screening. See also col. 13 lines 38 – 49 and col. 18 line 55 – col. 19 line 18); and where at least one of the plurality of profiles is a user-specified profile that is set up by the user (col. 4 line 5, fig. 5a, col. 20 lines 21 – 34, and col. 8 lines 5 - 24. Note that “home”, “work” and “cellular” reads on the claimed profile);

determining whether the calling phone satisfies the at least one filter of the active profile; and in response to the determination whether the calling phone satisfies the at least one filter, handling the incoming call on accordance with an action specified by the active profile (see col. 13, lines 38-53, see as well table 4.0). Note that the claimed “processor” as recited in claim 54 reads on (Personal Agent processor 11) as shown in Fig. 1. Also, the claimed “storage” as recited in claim 54 can be any of the tables, such as disposition table 52 and screening table 53 as shown in Fig. 5a.

Regarding claims 44, 52 and 57, see (Abstract, col. 4 lines 27 - 30, and col. 10 lines 1 – 5).

Regarding claims 60 and 53, this can read for example on sending and forwarding incoming calls to voice mail, see col. 3, lines 35-45.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 40-43, 45, 48-51, 56 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al. (US PAT # 6,160,877) in view of Arbel et al. (US PAT # 5,276,731).

Regarding claims, 40 and 48, although the Examiner believes that the use of a wildcard is old and well known in the art of telephony, however, the Examiner introduces Arbel which teaches a method and apparatus for handling incoming telephone calls. Specifically, Arbel teaches providing prioritized screening of incoming telephone calls and for re-routing of incoming telephone calls based on predetermined selection criteria. The predetermined selection criteria include information such as call origination information with wildcards, time, date or combination of these factors (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a filtering or screening phone calls based on information that includes wildcard characteristics, as taught by Arbel into the teachings of Tatchell in order to provide the user who is defining the flirting schemes with speed and connivance. Advantageous of utilizing the wildcards are well known in the art, such as utilizing the symbols such as "*" are used in a well known manner to specify a range of telephone numbers.

Claims 41-42 and 49-50 are rejected for the same reasons as discussed above with respect to claims 40 and 48, respectively. Also, providing filtering based on the country code or a current time would have been obvious and is considered a design choice. One may pre-set the filtering scheme based on any information desired.

Claims 43, 51 and 56 are rejected for the same reasons as discussed above with respect to claims, 39, 41-42, 47, 49-50 and 54, respectively.

For claims 45 and 58, Tatchell teaches that screening of calls can be applied also to incoming calls even if they are data type (see col. 4, lines 39-43). Thus the use of internet would have been obvious in view of the teachings of Tatchell.

For misnumbered claim 45 and claim 59, the Examiner believes that setting a temporary profile that includes a start and stop time is obvious and it does not rise the invention to the level of patentability. Again, one may choose to set the profile in any manner based on the need and desire of the user.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614